

IN THE CIRCUIT COURT OF ~~OHIO~~ COUNTY, WEST VIRGINIA

EDNA J. TULLIUS

Plaintiff,

vs.

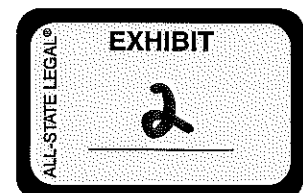
SILGAN PLASTICS CORPORATION

Defendant.

CIVIL ACTION NO. 15-C-223
Judge Sims

COMPLAINT

1. Edna J. Tullius is a resident of West Virginia who resides at 321 Hughes Street, Wheeling, West Virginia.
2. Silgan Plastics Corporation (hereinafter "Silgan") is a Delaware corporation. Its notice of process agent listed with the West Virginia Secretary of State is CT Corporation System, 5400 D Big Tyler Road, Charleston, West Virginia 25313.
3. Debbie A. Turziano is a resident of West Virginia who resides at 11 Barrington Drive, Wheeling, West Virginia 26003.
3. Edna J. Tullius was employed by Silgan in Ohio County, West Virginia.
4. By letter dated August 20, 2013, from Debbie Turziano, Human Resources Manager for Silgan, Edna J. Tullius was advised of the termination of her active employment "effective 8/17/2013."
5. Edna J. Tullius was on short term disability leave from February 19, 2013 to August 17, 2013, through a policy issued to her through her work at Silgan.
6. Defendants were aware of Edna J. Tullius being on short term disability before her termination.
7. Defendants were aware that Edna J. Tullius had also applied for long term



disability that was available to her through her work at Silgan before her termination.

8. Edna J. Tullius recovered from her disability and has the capacity to return to her former position or comparable position at Silgan.

9. Defendants became aware that Edna J. Tullius' application for long term disability had been denied as she did not meet the definition of disability for that policy and did not offer to reinstate her, even though they knew, or should have known, that she wanted to come back to work.

10. Syl. Pt. 4, Haynes v. Rhone-Poulenc, Inc., 206 W.Va. 18, 521 S.E.2d 331

(1999) states:

Under the West Virginia Human Rights Act, W.Va. Code § 5-11-1 et. seq., required reasonable accommodation may include a temporary leave of absence that does not impose an undue hardship upon an employer, for the purposes of recovery from or improvement of the disabling condition that gives rise to the employee's temporary inability to perform the requirements of his or her job.

11 Providing Edna J. Tullius a reasonable accommodation of a temporary leave of absence would not have imposed, and presently does not impose, an undue hardship upon Silgan.

COUNT I - WEST VIRGINIA HUMAN RIGHTS ACT

12. Defendants failed to provide Edna J. Tullius with the reasonable accommodation of a temporary leave of absence in violation of the West Virginia Human Rights Act.

13. Defendants discriminated against Edna J. Tullius because she had a disability or was regarded as having a disability in violation of the West Virginia Human Rights Act.

14. Defendants retaliated against Edna J. Tullius for taking medical leave in violation of the West Virginia Human Rights Act, West Virginia Code, § 5-11-9(1) & (7)(A).

COUNT II - ANIMUS

15. Defendants' actions toward Edna J. Tullius by discriminating against her were

intentional, willful, wanton and/or reckless with disregard to her rights under the West Virginia Human Rights Act entitling her to punitive damages.

16. Defendants' actions toward Edna J. Tullius by retaliating against her for taking medical leaves were intentional, willful, wanton and/or reckless with disregard to her rights under the West Virginia Human Rights Act entitling her to punitive damages.

COUNT III - DAMAGES

17. As a proximate cause of Defendant's actions Edna J. Tullius has lost and will continue to lose wages and benefits, suffered and will continue to suffer emotional distress, has incurred court costs and may incur attorney fees and litigation expenses.

WHEREFORE, Plaintiff prays for judgment against the Defendants, Silgan Plastics Corporation and Debbie A. Turziano for compensatory damages, punitive damages, attorney fees, litigation costs, pre-judgment interest, post-judgment interest, reinstatement, court costs and any other relief that may be available to her in law or equity.

Plaintiff requests a trial by jury.


EDNA J. TULLIUS

CIVIL CASE INFORMATION STATEMENT
CIVIL CASES
(Other than Domestic Relations)

In the Circuit Court, Ohio County, West Virginia

CASE STYLED:

Plaintiff(s)

Case #

15-C-223

Judge

Sims

Edna Jo Redman/Tullius
321 Hughes St Wheeling
WV 26003
vs.

Defendant(s)

Days to
Answer

Type of
Service

Silgan Plastics
Dallas Pk Industrial Park
Triadelphia WV 26003 (26059?)
City, State, Zip

20

Sheriff

Debbie A. Turziano
11 Barrington Drive
Wheeling WV 26003
Street
City, State, Zip

20

Sheriff

Street

City, State, Zip

Street

City, State, Zip

Original and 3 copies of complaint enclosed/attached.

PLAINTIFF: <u>Edna Jo Redman / Tullius</u>	CASE NUMBER:
DEFENDANT: <u>Silgan Plastics / Debbie Turziano</u>	

TYPE OF CASE:

<input type="checkbox"/> GENERAL CIVIL	<input type="checkbox"/> ADOPTION	<input type="checkbox"/> MALPRACTICE
<input type="checkbox"/> MASS LITIGATION (As defined in T.C.R. RULE XIX(c))	<input type="checkbox"/> ADMINISTRATIVE AGENCY APPEAL	<input type="checkbox"/> PERSONAL INJURY
<input type="checkbox"/> ASBESTOS	<input type="checkbox"/> CIVIL APPEAL FROM MAGISTRATE COURT	<input type="checkbox"/> PRODUCT LIABILITY
<input type="checkbox"/> CARPAL TUNNEL SYNDROME	<input type="checkbox"/> MISCELLANEOUS CIVIL	<input type="checkbox"/> AUTO
<input type="checkbox"/> SILICONE IMPLANTS	<input type="checkbox"/> MENTAL HYGIENE	<input type="checkbox"/> CONTRACT
<input type="checkbox"/> INDUSTRIAL HEARING LOSS	<input type="checkbox"/> GUARDIANSHIP	<input type="checkbox"/> REAL PROPERTY
<input type="checkbox"/> DIET DRUGS	<input type="checkbox"/> MODIFICATION/MAGISTRATE RULING	<input type="checkbox"/> HABEAS CORPUS/OTHER EXTRAORDINARY WRIT
<input type="checkbox"/> NOTE/PAYMENT OF DEBT	<input type="checkbox"/> COMMERCIAL CREDIT	<input checked="" type="checkbox"/> OTHER <u>(CIVIL) wrongful termination</u>

III. JURY DEMAND: ☒ YES ☐ NOCASE WILL BE READY FOR TRIAL BY (MONTH/YEAR): Sept / 2015

I have all my documentation & solid proof of a wrongful termination ready now

IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY? ☐ YES ☒ NO
IF YES, PLEASE SPECIFY:

- ☐ WHEELCHAIR ACCESSIBLE HEARING ROOM AND OTHER FACILITIES
☐ INTERPRETER OR OTHER AUXILIARY AID FOR THE HEARING IMPAIRED
☐ READER OR OTHER AUXILIARY AID FOR THE VISUALLY IMPAIRED
☐ SPOKESPERSON OR OTHER AUXILIARY AID FOR THE SPEECH IMPAIRED
☐ OTHER:

ATTORNEY NAME: _____

Representing:

FIRM: _____

☐ Plaintiff ☐ Defendant

ADDRESS: _____

☐ Cross-Complainant

TELEPHONE: _____

☐ Cross-Defendant

DATED: _____

☒ PROCEEDING WITHOUT AN ATTORNEY

SIGNATURE

Edna Jo Redman

currently proceeding without an attorney because I don't feel I need one, I feel this case is all black & white & I have enough evidence to prove it. I am going to contact legal aid. My friend Ron Kosserman Jr. looked over my documents & said I need file state but I waited too

SUMMONS

CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

EDNA JO REDMEN

PLAINTIFF,

VS.

CIVIL ACTION NO. 15-C-223

JUDGE: DAVID J. SIMS

SILGAN PLASTICS

DEFENDANT.

To the above named Defendant:

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby Summoned and required to serve upon EDNA JO REDMEN/TULLIUS, whose address is 321 HUGHES STREET, WHEELING, WV 26003 an answer including any related counterclaim you may have to the complaint filed against you in the above civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above style civil action.

BRENDA L MILLER

CLERK OF COURT

Dated: August 11, 2015

BY:

Brenda L. Miller

DEPUTY CLERK

Please Serve:

SILGAN PLASTICS

DALLAS PIKE INDUSTRIAL PARK

TRIADDELPHIA, WV 26059



SUMMONS

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BRENDA L MILLER

CLERK OF COURT

Dated: August 11, 2015

BY:

Brenda L. Miller

DEPUTY CLERK

Please Serve:

**DEBBIE TURZIANO
11 BARRINGTON DRIVE
WHEELING, WV 26003**

